



AF

PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

05.23.05

Date

Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Robert Alan Cochran  
Serial No. 09/678,168  
Filed: October 02, 2000  
For: Method and System for Throttling I/O Request Servicing on Behalf of an I/O Request Generator to Prevent Monopolization of a Storage Device by the I/O Request Generator

Examiner: Akiba K.R. Boyce  
Group Art Unit: 3623  
Docket No. 10992806-1  
Date: May 23, 2005

Mail Stop Appeal Brief  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REINSTATEMENT OF THE APPEAL UNDER 37 CFR § 1.193(2)(ii)

Sir:

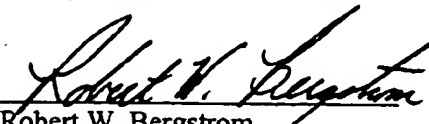
06/02/2005 SHORELAN 00000002 082025 09678168

01 FC:1402

In response to the Appeal Brief filed November 30, 2004 and the subsequent Office Action dated February 22, 2005, Applicant respectfully requests the reinstatement of the appeal. Accompanying this Request is a Supplemental Appeal Brief in triplicate.

Applicant believes that no fee is required. However, at any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 08-2025. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,  
Robert Alan Cochran  
Olympic Patent Works PLLC

  
Robert W. Bergstrom  
Registration No. 39,906

Enclosures:  
Postcards (2)  
Transmittal in duplicate  
Supplemental Appeal Brief

CONCLUSION

The Examiner's new 35 U.S.C. § 112, second paragraph, rejection of claim 1 is unfounded. The newly cited reference, Freeland, is essentially unrelated to the currently claimed invention, and does not, alone or in combination with previously cited references, advance the Examiner's rejection of claims 1, 3-8, 10, and 12-17. Appellant appreciates the Examiner's conditional allowance of claims 2, 9, 11, and 18-20, but continues to maintain patentability of the currently claimed invention over any combination of the cited references. For this reason, Appellant respectfully requests that the Appeal of the Examiner's rejections in the Office Action mailed on April 05, 2004, finally rejecting claims 1-20, be maintained.

Applicant respectfully submits that all statutory requirements are met and that the present application is allowable over all the references of record. Therefore, Applicant respectfully requests that the present application be passed to issue.

Respectfully submitted,  
Robert Alan Cochran  
*OLYMPIC PATENT WORKS PLLC*

By   
Robert W. Bergstrom  
Reg. No. 39,906

Olympic Patent Works PLLC  
P.O. Box 4277  
Seattle, WA 98104  
206.621.1933 telephone  
206.621.5302 fax